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ABSTRACT

Eight recommendations for the Alabama Commission on Higher Education are offered based on an evaluation of both the commission's effectiveness and on economic, social, and political conditions in Alabama during 1981-1985. The evaluation, which was conducted by the Fourth Quadrennial Evaluation Committee, begins with an assessment of findings regarding previous (1982-1983) recommendations made by the Third Quadrennial Evaluation Committee. Findings regarding statutory obligations of the Commission during 1982-1986 are also addressed, with attention to: long-range planning, state budgeting and finance, curricular program review, off-campus instruction, out-of-state institutions, statewide higher education data systems, student assistance program administration, advice and counsel to the Governor and Legislature, advisory committees, consortia, and gifts. Appended are a brief description of the task of the fourth evaluation committee and its mode of operation as well as vitae for evaluation committee members. The text of Act No. 79-461 of Alabama, which extended the authority and legal responsibility of the Alabama Commission on Higher Education, is included. (SW)

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REPORT OF THE FOURTH QUADRENNIAL EVALUATION COMMITTEE



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A COMMITTEE TO EVALUATE THE EFFECTIVENESS OF THE ALABAMA COMMISSION ON HIGHER EDUCATION

MARCH 1987

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REPORT OF THE FOURTH QUADRENNIAL EVALUATION COMMITTEE

A COMMITTEE TO EVALUATE THE EFFECTIVENESS
OF THE
ALABAMA COMMISSION ON HIGHER EDUCATION

MARCH 1987

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SECTION I

LOOKING AHEAD: RECOMMENDATION NO. 1

The members of this committee were asked to evaluate the effectiveness of the Alabama Commission on Higher Education and make recommendations for change as needed. We have done that. This report faithfully chronicles the Committee's fulfillment of its charge.

With some temerity, we venture beyond the responsibilities which were assigned to us. In this initial section of our report, we look ahead to what should be and can be the bright future for Alabama through its higher education institutions. Already, there are some significant and exemplary programs which have been pointed out to us with pride. There are some visionary leaders, distinguished scholars and teachers, and centers of excellence. Also, opportunities for higher education are available to students in virtually every community in the State. Yet, there can be much more done to enhance continually the lives of the citizens of Alabama and stimulate the economic well being of the State.

This is an historic moment for Alabama--a moment of opportunity that may not soon reoccur. A new governor has just been elected and inaugurated, a new cabinet, new legislative leadership, and a new determination voiced to us by legislators, college and university presidents, and by business and professional leaders in the State, and we see visible manifestations of a grass roots resolve for change. Farmers, factory workers, technicians, homemakers, business and professional men and women all want what is best for them, their families, and their neighbors. The time is now to map a new agenda for Alabama.

What needs to be done to achieve the dream which was described to us over and over? Unified leadership!

Against this scenario of a vision for the future are our perceptions of the current context of higher education in the State. There is a politicized climate with intense competition--going alone, institution vying against institution, professional against professional, and one level of education against another. There are highly publicized examples of lobbyists who descend on the legislature clamoring for something more for their individual institutions and for individual campuses within the same college or university system. They are not asking for what is best for the State as a whole or for higher education but for what is best for their individual institution or campus. We were told that approximately one-half of the legislators are employed by the colleges and universities. Politicians have become educators, and educators have become politicians. Although some progress has been made on unified planning and unified budgeting, multiple examples of unnecessary

program duplication and competition and a litany of line items in the budget lobbied successfully for individual institutions have become more of the norm than are examples of unified planning and budgeting. Litigation filed with the Federal Courts to achieve desegregation under Title VI of the Civil Rights law have pitted institution against institution.

As we have noted already and in spite of these conditions, Alabamians have much of which they can justifiably be proud in their colleges and universities. These conditions need not persist, and now is an unparalleled opportunity to change them. Many persons have made this point to us from within and without higher education and have offered many varied suggestions. Among the suggestions were (1) a Board of Regents, a "superboard," to govern all of higher education; (2) a strengthened Commission on Higher Education with some greater regulatory and enforcement powers; (3) consolidation and reconfiguring all institutions within the existing system of higher education and the community and technical college system--Auburn University, the University of Alabama, Troy State University --and removing the two-year colleges from the State Board of Education; or (4) creation of two separate boards, one for the two-year institutions to remove them from the governance of the State Board of Education so that Board can devote itself exclusively to K-12 education and a second for all of the universities under another board. There were other suggestions, but these four were mentioned most prominently. This Committee is not so presumptuous as to recommend what is best for Alabama higher education. Only Alabama can make that decision if the decision is to work effectively. Obviously, a fifth option is to do nothing with the current political governance structure. But this Committee believes that some change in the political/control/governance system is desirable and urgently needed. And we are convinced that the leadership of higher education and the Legislature believe just as keenly that some change in the political/operation system is a must in order to allocate limited state funds most effectively.

How can desirable and constructive change come about? With the abundance of intellect, talents, and resolve for statesmanship within the key state and higher education officials, the leadership can step out, work together, and literally turn things around. "Physician, heal thyself," is the most effective way to effect unification and a consolidated sense of mission and purpose. Higher education is called upon by virtually every segment of the society to solve problems--for example, economic, social, cultural, national defense, and international relations. And most assuredly, higher education can address its own problems.

Accordingly, we humbly make this first and most important recommendation.

RECOMMENDATION NO. 1.

GOVERNOR HUNT MIGHT APPOINT A TASK FORCE, WITH A RELATIVELY SHORT CALENDAR FOR REPORTING, TO ADDRESS SUCH MATTERS AS (1) AN APPROPRIATE GOVERNANCE STRUCTURE FOR HIGHER EDUCATION TO OPERATE MOST EFFECTIVELY IN THE POLITICAL SYSTEM OF THE STATE; (2) ADEQUACY OF THE RESOURCE BASE FOR ALL OF EDUCATION WITHIN THE SPECIAL EDUCATION FUNDING PLAN AND EQUITABLE DISTRIBUTION OF RESOURCES; (3) A FORMULA FOR FUNDING HIGHER EDUCATION THAT WOULD BE EQUITABLE AND WOULD ENCOMPASS INCENTIVES FOR EXCELLENCE AND REWARDS FOR HIGH QUALITY PERFORMANCE; (4) CLEARLY ESTABLISHED DIFFERENTIAL MISSIONS FOR THE VARIED INSTITUTIONS IN ORDER TO ACHIEVE EXEMPLARY TEACHING, RESEARCH, AND SCHOLARSHIP; PREPARATION OF A SKILLED WORK FORCE; AND SERVICE TO THE ECONOMIC AND CULTURAL LIFE OF THE CITIZENS OF ALABAMA; AND (5) RECOMMEND WAYS TO ACHIEVE AN EQUITABLE AND EARLY OUT-OF-COURT RESOLUTION TO THE DEBILITATING DESEGREGATION LITIGATION. SUCH A TASK FORCE MIGHT WELL BE COMPOSED OF GOVERNMENT LEADERS, BUSINESS AND OTHER PROFESSIONAL LEADERS, HIGHER EDUCATION LEADERS, AND INTERESTED CITIZENS.

Again, relative to these gratuitous observations for change, we stress the time is right, the resolve is present, the need is urgent, and the results can and will likely be phenomenally positive and constructive.

With this introductory look at the future and its first recommendation, the Committee addresses its further charge in the ensuing sections of this report.

SECTION II

FINDINGS REGARDING EFFECTIVENESS OF THE

COMMISSION ON HIGHER EDUCATION

In 1979, the Legislature passed H.494, and the Governor signed into law Act No. 79-461 amending Sections 16-5-1 through 16-5-10 of the Code of Alabama and greatly extending the authority and legal responsibility of the Alabama Commission on Higher Education. For the previous ten years of its existence, since its founding in 1969, the Commission had operated under a broad charge--but with very limited powers--to promote "an educational system that will provide the highest quality of collegiate and university education to all persons in the State able and willing to profit from it."

The Second Quadrennial Evaluation Committee in 1979 determined that "under existing legislation the Commission had a seemingly impossible task . . . the obligation to coordinate higher education but lacking the authority and resources to do so." However, the 1979 amendments made significant changes. The membership of the Commission was increased from nine to twelve. The responsibility continued for "continuous study, analyses, evaluation, planning, reporting, and recommendations for long-range planning with established priorities on a statewide basis" but was made more specific. The Commission was established as "the statewide long-range planning agency for postsecondary education" and given the authority to approve new programs. As a check and balance factor, however, the separate institutions still had the legal right to go directly to the Legislature for approval of any "new unit or program of instruction, research, or public service denied approval by the Commission." Also, the Commission's authority was extended to approve and regulate off-campus offerings by Alabama's institutions and to regulate offerings in Alabama by out-of-state institutions. For the first time the Commission was established as the state agency to manage all federal programs in higher education in Alabama and to represent Alabama with the Southern Regional Education Board. Likewise, the Commission's authority regarding programs at two-year institutions and its relationship with the State Board of Education was clarified. These 1979 statutory changes significantly strengthened the Commission's authority and extended its responsibility. This 1979 legal base for the work of the Commission remains basically the same today. Thus, the provisions of Act No. 79-461 serve as the primary base line for the Fourth Quadrennial Evaluation Committee to use in evaluating the effectiveness of the Commission during the 1982-1986 period.

The report of the Third Quadrennial Evaluation Committee provides a second important base for evaluation of the Commission. The Third Committee made seven recommendations which have served as partial guidelines for the review by the current (fourth) Committee.

Findings regarding these seven recommendations thus are pertinent and are reported here in that context, even though there is some overlap with statutory responsibilities. This section, then, includes two subsections: (A) Findings regarding the seven recommendations of the Third Evaluation Committee and (B) Findings regarding statutory obligations of the Commission, 1982-1986.

A. Findings Regarding Previous, 1982-1983, Recommendations

The Third Quadrennial Evaluation Committee, reporting in April 1983, listed seven major recommendations as a result of its extensive study. The specific recommendations and the findings of the Third Quadrennial Evaluation Committee follow. (1) The first recommendation of the Third Quadrennial Evaluation Committee was that "The issue of more authority for the Alabama Commission on Higher Education should be set aside for now and attention focused on achieving the best performance of the tasks assigned."

Insofar as the Legislature is concerned, no change has been made in the authority of the Commission on Higher Education. However, there have been a few reported instances where additional power and authority for the Commission on Higher Education have been proposed. Specifically, the Committee of Twenty-One made some recommendations for additional authority. The Executive Director has been reported favoring that some additional authority be given to the Commission in the area of evaluation of existing programs. The 1986 desegregation proposal of the Commission on Higher Education proposed additional authority and responsibility for the Commission or a similar agency in connection with the desegregation activity which was a part of the report.

The second recommendation of the Third Quadrennial Evaluation Committee was (2) "The Governor and the Legislature should look to and expect the Commission to serve as a major advisor in all matters of policy on higher education. The Commission should recognize this expectation, provide advice on a timely basis, and evaluate its success in the future by the degree to which the Governor and Legislators seek and judge to be informed by Commission advice."

The findings of the Fourth Quadrennial Evaluation Committee on this particular recommendation are mixed. First, the Governor and the Legislature on occasion use the advice of the Commission on Higher Education. However, while some Legislators turned to the Commission for assistance, most Legislators do not look to the Commission as "a major advisor in all matters of policy on higher education."

The Commission on Higher Education does recognize that this is an important recommendation and responsibility. The staff and the Commission do attempt to provide advice on a timely basis.

If this criterion is used to evaluate the success of the Commission in the future, it is clearly still not totally functional in meeting this legal charge. Occasionally the Governor and the Legislators use information from the Commission. In particular, the Governor has used some of the budget recommendations for initial presentation to the Legislature in at least one of the past four years. However, in the very recent past, the Legislature, in its budget bill, passed one curriculum proposal for one specific two-year college. The Commission has gone to court over this particular action to determine whether the activity of the two-year college and the State Board of Education was illegal in this regard. Nevertheless, the degree to which the Governor and the Legislature seek the Commission's advice appears to be quite limited, and, therefore, the recommendations of the Commission on Higher Education tend to be of limited effectiveness.

The third recommendation of the Third Quadrennial Evaluation Committee was that (3) "Meetings between the Commission and leaders of the Legislature and between the Commission and the Governor should be arranged regularly to discuss issues on which Commission advice might be useful." The effectiveness of the Commission with regard to this recommendation has been limited. There have been attempts to have regular meetings of the senior staff of the Commission and limited meetings of the Commission itself with leaders of the Legislature and with the Governor. However, this has not been done regularly and, therefore, has not been adequately implemented.

The fourth recommendation of the Third Quadrennial Evaluation Committee was that (4) "The Commission should move with dispatch to complete the development of a statewide long-range plan for higher education. Furthermore, the Commission should establish a procedure to update the plan at least every two years." This recommendation will be discussed in more detail later. However, it should be noted that the Commission on Higher Education still has not developed a complete statewide long-range plan for higher education. A procedure has been established which is moving in that direction, and it is the intent of the Commission to update such a plan at least every two years in the future.

The fifth recommendation of the Third Quadrennial Evaluation Committee was that (5) "The Commission should establish a process to review existing programs and report its findings to the institution, the Governor, the Legislature, and to the public." The Commission has established an extensive process to review existing programs and to report its findings. It is frequently reported as somewhat cumbersome, requiring excessive paperwork, and then filed without much use or reporting. Thus, the Commission on Higher Education has set up a process which meets the current legal statement of authority

and responsibility in this particular case but could streamline it and devise a more noticeable reporting system.

The sixth recommendation of the Third Quadrennial Evaluation Committee was that (6) "The Commission should begin immediately with staff contact and direct meetings to seek understandings with the Governor and Legislative leaders of the kinds of budget information and recommendations which the Commission might provide to help them make the best decisions for Alabama." The Commission on Higher Education and its staff have worked diligently in this area and during some years have made effective proposals in the budgetary area. During one recent year the Governor is reported to have used much of the Commission's proposed budget as the major basis for the executive budget which was submitted to the Legislature. However, in the last two years of the quadrennium, the budget proposal by the Commission on Higher Education has not been used to this degree. Rather, parts of the ACHE budget are reported to have been used as a basis for the executive budget presented by the Governor, but the Legislature, in the main, has paid little attention to the recommendations of the Commission on the budget. During the past two years, the number of specialized "line items" presented by the various colleges and universities has increased tremendously, and much of the budgeting has been done in this way.

The seventh recommendation of the Third Quadrennial Evaluation Committee was that (7) "The Commission should provide annual reports in a timely fashion and in a form designed to reach the several clientele groups which ACHE serves." During the 1982-1986 period, the Commission on Higher Education has provided comprehensive annual reports in a timely fashion and in a very readable form. These reports have been widely distributed and have been available to the various clientele groups which ACHE serves.

B. Findings Regarding Statutory Obligations, 1982-1986

The 1982-1986 statutory obligations of the Commission on Higher Education are stated in detail in both Act 79-461 of the 1979 Regular Session of the Alabama Legislature and Chapter 3 of the Education Code, Sections 16-3-32 through 16-3-35 (those legal duties transferred from the State Department of Education to the Commission on Higher Education). The Commission has summarized its twelve key responsibilities as follows:

"The Alabama Commission on Higher Education is a regulatory coordinating agency for all public education in Alabama beyond grade 12 (postsecondary or higher education). As such, it is responsible for

1. Long-range planning for all facets of the postsecondary education system.

2. Recommendations for appropriations for the current operating expense needs of higher education.
3. Recommendations on the capital construction needs of higher education.
4. Regulation of all new instructional programs in higher education.
5. Regulation of all non-exempt off-campus instruction by institutions of higher education.
6. Regulation of out-of-state institutions operating degree programs in Alabama.
7. Recommendations on existing instructional programs.
8. Recommendations on research and public service appropriations.
9. Maintaining the State College and University Information System--the data base for all other functions.
10. Administration of the Alabama Student Assistance Program (need-based federally matched grant programs).
11. Administration of the Alabama Student Grant Program (Private School Student Tuition Assistance).
12. Advice and counsel to the Governor and Legislature on higher education as may be requested or deemed appropriate by the Commission."

This report groups these twelve responsibilities into eight major areas: (1) long-range planning, (2) state budgeting and finance, (3) curricular program review, (4) off-campus instruction, (5) out-of-state institutions, (6) statewide higher education data systems, (7) student assistance program administration, and (8) advice and counsel to the Governor and Legislature. In addition, the Committee has included a ninth miscellaneous area of statutory duties or responsibilities, including statements regarding (a) advisory committees, (b) consortia, and (c) gifts.

Finally, this Fourth Quadrennial Evaluation Committee has received considerable input regarding the overall state governance system for higher education and, though devoting much less attention to it than the first three committees, will summarize its findings on this topic in a tenth subsection.

I. Long-Range Planning

The ambiguous language of the 1969 Act establishing the Commission on Higher Education provided that it should "make continuous study, analyses, evaluation, planning, reporting, and recommendations for long-range planning with established priorities on a statewide basis." However, this was strengthened in the 1979 legislation. Section 5, calling for study analysis and evaluation, was made quite specific, and Section 6, Planning, provided that the Commission should "be responsible for statewide long-range planning for postsecondary education in Alabama." This was to include the establishment of statewide objectives and priorities with methods and guidelines for achieving them. The Third Quadrennial Evaluation Committee stressed the need for the Commission to proceed with dispatch in developing a long-range plan. We have found that the Commission has attempted during the past four years to assemble some components of such a plan.

In working on a statewide plan, the Commission determined that by 1982 the trend across the nation was away from periodic "master plans" and toward continuous strategic planning which is more responsive to a rapidly changing environment. They determined that the long-range planning process should continually project five years into the future with an annual update and modification. The process has involved a number of important steps. First, the Commission established a Council of Twenty-One, made up of a group of professional, business, and community leaders from Alabama--a group which was endorsed by both chambers of the Legislature and the Governor. The Council made recommendations for the future which serve as a basis for the continuing work of the Commission in developing its rolling, five-year strategic academic plan for postsecondary education in Alabama.

A number of important steps have been taken since the report of the Council of Twenty-One in July 1983. Each of the institutions in the State was asked to nominate persons to serve on an institutional planning liaison group. The Commission then adopted a specific resolution establishing a planning process. After further lengthy consultation and careful consideration, the goal statement, which was basic to the planning process, was adopted by the Commission on February 3, 1984.

The Commission has published a number of planning documents based on the basic goal statement, including a system of comparative profiles of the Alabama Higher Education System and its environment, a set of institutional profiles for every institution, including institutional mission statements, historical background, governance, and a summary of academic resources, facilities, and financial support. Also, the overall scope of each institution was included in each of the institutional profiles. The Commission plan is to update the institutional profiles and publish them annually. The biennial academic program inventory, beginning in 1982, has been

annually updated. Another key part of the planning process is the inventory of facilities and space utilization. This important part of the planning base is slow in being developed, and the 1984 data were just in the process of preparation in late 1986. Additional data have been compiled as part of the planning process, including an inventory of research and service activities in the various entities within the public colleges and universities, surveys of the sources of students, degrees conferred, and cost data for the operation of the institution, including in particular the cost of utilities. Finally, each institution is requested yearly to update and file an institutional annual planning statement which includes reports on programs that have been reviewed during the preceding year at the institution.

There are still significant steps to be taken in connection with the development of a statewide strategic plan for higher education in Alabama. First, there is a need to synchronize the annual update of the five-year rolling strategic plan with the development of the budget and the proposal to the Legislature of specific expenditures. Likewise, the current process of developing a statewide plan needs to be assessed very carefully. Currently, it appears to be based on the plans of the individual institutions, without benefit of overall statewide goals. The 1985 review of all of the institutional annual planning statements indicated that the varied institutions were planning 228 new degree programs over the next five years. Seventy-nine of those programs appear to be duplicative from different institutions. Approximately 148 new program plans duplicated from one to ten existing similar degree programs. Likewise, a number of the institutions provided plans which were beyond their currently approved mission and role without any rationale for changing the mission--and without going through any proposed process for officially changing the mission.

Although some of the reported program duplication may be in basic core programs needed in any institution offering liberal arts and sciences, these reported figures are significant and clearly demonstrate a planning problem. The current fiscal condition of the State of Alabama, while able to support some important changes in curricular offerings, especially those of some assistance in improving the economic conditions of the State, must be a basic consideration as final determinations are made regarding the implementation of specific programs included in some of the existing institutional planning documents. Thus, some modifications of the long-range planning process and adaptations to the budget process appear to be needed at the present time.

Clearly, the Commission on Higher Education has made significant efforts to implement the charge of the Legislature to develop a statewide plan for higher education in Alabama. However, findings to date indicate that there is still considerable work needed to provide effectively for this major function assigned to the Commission on Higher Education. For example, a significant number of

persons making presentations to the Committee, either orally or in writing, indicated that duplication of both institutions and programs is a very serious on-going problem in Alabama. Some action has been taken in the two-year institutional area and in State studies of engineering and allied health at both two-year and four-year institutions. Additional discussions have taken place informally in the four-year college and university area, but duplication has been increased rather than decreased in the last few years. Some of this duplication has been carried on over the objections of the Commission on Higher Education after it made individual studies of such duplicative measures. For example, the establishment of two master's degrees in criminal justice at Montgomery and the addition of another upper-division baccalaureate institution at Athens, both opposed by the Commission, have been endorsed and passed by the Legislature. While clearly the Legislature has full power to make final determinations regarding duplication at all public institutions, when it overrides recommendations of ACHE, it may encourage additional institutional lobbying leading to program duplication. Apparently, also, commission members could have played a more active role in interpreting Commission actions to Legislators, either individually or collectively. Our Committee finding in this area is that although charged with the responsibility, the Commission has not been supported consistently by the Legislature when ACHE has taken actions to cut out unnecessary duplication. Thus the problem remains a major area for improvement which is dependent both on action of the Commission on Higher Education as well as legislative action.

II. Finance and Budget

The yearly presentation of a unified budget for all of public higher education in Alabama is probably the most important single function or responsibility assigned to the Commission on Higher Education. Section 9 provides the specific language relating to this responsibility, and its language presents the Commission with a very serious problem. The Commission is charged with basing its budget recommendations on an assessment of the "actual funding needs" of each of the institutions as they are presented by the institutions themselves. They are authorized to use a formula approach, standard techniques of objective measurement, and with using measures which may be comparable to those used in other states. The Commission has developed a formula which is generally supported by those testifying to the Commission; it has a close relationship with budget formulas used in the areas served by the Southern Regional Education Board and particularly the formula used in Texas. However, many of the persons testifying to this Committee about the budget process were extremely critical of the Commission on Higher Education for the presentation of a "needs" or "wish-list" budget when the fiscal condition of the State was in some disrepair. As a consequence, during this quadrennium the Commission has adopted

a dual concept for the presentation of its budget recommendations. In addition to a "needs-based" budget, it makes a "realistic" budget recommendation. The budget recommendations for recent fiscal years were developed using this concept. During the past three years, there has been a much-increased acceptance of the budget approach of the Commission and many of the recommendations of the Commission. Informed observers estimate that 70-90 percent of the basic recommendations have been accepted by the Governor as a basis for the executive budget presented to the Legislature during the last three years. In fact, it appears that the Commission budget recently made up the majority of the Governor's budget presentation to the Legislature.

However, in keeping with the nationwide process of budget development, legislatures have often seriously modified the proposed budget of the executive and established their own priorities. During the last two legislative sessions, it has become quite clear that the number of special line items sponsored by a particular legislator for a given institution has increased greatly over the preceding years. Apparently, in the most recent Legislative session, some special recommendations by the Commission were developed late in the budget process and without thorough discussion with institutional representatives or opinion leaders in the State. A process of this type, worthy as the cause may be, is not designed to develop a cohesive approach by higher education as a whole to the budgeting of public funds.

Another problem related to the annual budget and the statewide plan for higher education revolves around the question of capital needs and capital costs for the facilities in the public higher education institutions of Alabama. The Commission has increased staff for this area and developed plans for recommended capital funding programs since 1983. The proposals to date have not been well accepted by the Legislature, although the last budget did include Legislative approval of \$20 million as a beginning appropriation for renewal of facilities and some important deferred maintenance on facilities. This has been referred to as a significant beginning effort but only a small percentage of the entire capital needs of the institutions as shown in the summary of current capital requirements. Evidence in this area provides an indication of the need for better coordination between effectiveness of program planning and effectiveness of budget planning for the future of higher education in the State.

III. Curricular Program Review

In general, the finding of the Committee is that the process for the review of new instructional programs proposed by the institutions has been one of the important successes of the Commission. The procedure which the Commission on Higher Education has developed for the review and approval of new instructional programs is considered quite appropriate and fair by those involved. The

requirements for basing the programs on established need, availability of adequate faculty and facilities, and provision for the appropriate timing of the introduction of new programs all have been thought to be well developed and well organized. The finding with regard to this responsibility of the Commission is that it has done an effective job in the development of procedures for review and approval of new programs.

Associated with this legal responsibility, there is an additional charge to the Commission to review and report on existing programs currently offered in the institutions of higher education in the State. Many of the persons appearing before the Committee to testify have proposed that the authority now vested in the Commission regarding "new" instructional programs should also be provided for the review and possible elimination of existing instructional programs. Enough people have proposed this to consider it a significant finding, and the Committee has given considerable attention to this point. The consideration of existing programs and new programs is important when unnecessary duplication is considered. In some cases, the point has been made in testimony that the institutions themselves need to be studied and possibly combined or eliminated.

Beyond the issue of whether or not the Commission should have the authority to recommend termination of existing programs is the prospect of an effective review process to strengthen programs which exist and are important to the institutions and the State. The current process is not considered by the institutions to be of much value. It was often described as involving excessive paperwork and time and with very limited use made of the reports filed with the Commission. Apparently, the process is viewed as an "exercise" which fails to create action toward the very positive potential outcomes of such reviews. A recommendation will be made regarding this finding.

IV. Off-Campus Program Review

Evidently the Commission has been doing an acceptable job of regulating the off-campus instruction carried on in the State of Alabama by its institutions of higher education. No one indicated that this was a problem area at this time or suggested any need for change in the regulation or improvement in administration of the regulation. The staff of the Commission on Higher Education reported that over 2,000 off-campus courses were reviewed and approved during the years 1982-86. This represents a significant effort in this area and undoubtedly accounts for the fact that there were no concerns expressed regarding the effectiveness of the Commission in this area.

V. Out-of-State Institutions Operating Degree Programs in Alabama

The Commission has established procedures for the regulation of out-of-state institutions which operate degree programs in Alabama, although it does not charter or license them initially. The State Board of Education performs this other function. Apparently, the Commission has been effective in this area since it was not raised as either a strength or a weakness or an area for further concern in the work of the Commission. However, having two State agencies splitting such a function is not the most efficient State approach. Many states combine these responsibilities and often include proprietary institutions as well. A recommendation in this area has been developed by the Committee.

VI. Statewide Higher Education Information System

The statewide information system and data base which have been developed by the Commission on Higher Education are quite generally regarded by the lay public, by legislators, by executive staff, and by institutional administrators as a successful and effective operation of the Commission. It is generally felt that the Commission has continued to improve its data gathering techniques and is a reliable source of necessary data on the overall condition of higher education and its institutions throughout the State. Occasionally there were slight concerns regarding the overall use of the data base and whether it might have become overly large--but these were very minor considerations, and the general finding is that the Commission has been quite successful in fulfilling this responsibility.

VII. Student Assistance Programs

The Commission on Higher Education is charged with serving as the State agency for the administration of the titles of the Higher Education Act of 1965 (U.S. Public Law 89-329) and its amendments for any programs requiring a single State agency. In addition, it is also charged with being the State agency responsible for the administration of specialized student assistance programs for students attending higher education institutions in the State. This is a major banking and financial responsibility and is a major section of the work of the Commission on Higher Education. Most of its budgeted staff are assigned to this function. It administers the Alabama Guaranteed Student Loan Program, which in the last four years has grown from \$32 million to \$288 million. It also administers the secondary market for the Alabama Higher Education Loan Corporation involving the issuance of \$75 million in student loan revenue bonds in April 1983 and a \$63.5 million refunding in April 1986. It administers the emergency secondary education scholarship program, a scholarship and loan program which was an emergency manpower program. Likewise, it administers both the Alabama National Guard Assistance Act since 1984 and the State of Alabama

Chiropractic Scholarship Program since October 1985. These five State programs plus the basic federal programs of student assistance are a major factor in providing assistance to students in attending both public and private (independent) higher education institutions in the State of Alabama. Accordingly, the effectiveness of the Commission in this particular charge area is extremely important.

It is the finding of the Committee, from both independent and public institutions, that the Commission has functioned very effectively in the administration of these diverse and comprehensive student assistance programs. The independent institutions have suggested that the Commission might take an even more supportive role by advocating significant increases in the funds which are available for students attending independent higher education, as well as making more intensive studies of the contribution of independent higher education to the welfare of the State of Alabama. However, this charge is not included in the law and, thus, would be a voluntary act of the Commission if, in its judgment as an overseer of higher education needs in the State, it were to determine that this is desirable.

In most aspects of administration of the student assistance program, the ACHE operation is effective. In fact, after considerable effort and ingenuity, a simplified application form has been devised creatively by the staff. Unfortunately, one area could be improved. At the end of 1986, it operated at the 80 percent reimbursement level in the Guaranteed Student Loan Program. Except for this one item, the Committee's finding is that ACHE operates efficiently in the critical student assistance area. Otherwise, the Commission appears to be exceedingly successful in the administration of these complex and extremely important programs of student assistance.

VIII. Advice and Counsel to the Governor and the Legislature on Higher Education Matters

This general statement of responsibility is based on several statements in the law establishing the Commission. First, in Section 10-B, it is authorized to recommend to the Legislature the enactment of such legislation as it deems necessary or desirable to ensure the highest quality of higher education in the State. In making such recommendations, it has to take into account the orderly development and maintenance of the State system to meet trends in population and the change in social and technical requirements of the economy. Thus, the conditions outlined in Section IV of this report and the serious changes which they document, suggest the need for the Commission to propose appropriate legislation. Section 10-C provides that the Commission shall advise and counsel the Governor on matters pertaining to postsecondary education but "at his request." Nevertheless, in meeting the responsibility to propose a unified budget to the Governor and the Legislature, there is provision here for advice and counsel regarding the proper

expenditure of funds for appropriate programs and other needed developments in higher education. Under Section 10-H, the Commission is authorized to make continuing studies on its own initiative or upon the request of the Governor or the Legislature regarding the financial needs of public higher education and to issue such reports to the Governor and the Legislature as may result from its studies. Finally, in Section 10-I, it is directed to submit to the Governor and the Legislature each year a written report covering the activities of the Commission and the state of higher education in Alabama, with detailed statements on the nature, progress, and result of any studies during the past fiscal year; comments upon major developments, trends, new policies, budgets, and financial considerations which the Commission thinks will be useful in planning a sound program of higher education; recommendations respecting postsecondary education in the State as may be appropriate (a general listing which would open the door to any form of recommendation and/or advice or counsel).

Thus, clearly the enabling legislation makes it incumbent upon the Commission to provide extensive advice and counsel to the Governor and to the Legislature on almost any facet of higher education which it deems desirable and necessary to cover. The testimony provided to the Committee clearly emphasized the importance of the Governor in the actions taken by the Legislature and other agencies regarding higher education and its support in Alabama. From the lay citizens, members of the Commission, Legislators, and university institutional administrators, evidence was secured that this is a major area for the Commission to improve its functioning. Evidence was secured that the Commission and its staff have made major efforts in this direction in the past four years and have been somewhat successful in the budgeting area, particularly in the past two-three years. However, it is apparent that the advice of the Commission and its staff is often not needed, and on many questions it is not sought by the Legislative committees, the Governor's staff, or the Governor on many issues which relate to higher education. A consistent question to all persons relating to their key source of information for decision making on matters in higher education clearly reveals that the Commission on Higher Education (and its staff) is relatively low for the most part on the list of sources. This is unfortunate and undesirable but is clearly a finding based on the evidence presented to the Committee.

IX. Advisory Committees, Consortia, and Gifts

These three relatively small but responsible areas were mentioned briefly to the Committee, with the following findings. The Commission has made an extensive effort to develop advisory committees, so much so that the institutions feel there are too many, that they are relatively ineffective, and those attending from the institutions are often very guarded in their comments. In a number of cases, the evidence indicates that no minutes are kept, that the discussions are sometimes of very limited value, and that

the discussions and actions of the advisory committees sometimes have relatively little impact on the decisions that are made for Commission action.

In the area of consortia, the Commission has been quite successful, and the findings are that it has been quite effective. Some examples of its successful consortia activities are (1) the Network of Alabama Academic Libraries (NAAL); (2) the Alabama Universities/Tennessee Valley Authority (TVA) Research Consortium (AUTRC) composed of seven public universities, two state agencies, and a federal agency; and (3) the Alabama Experimental Program in Support of Competitive Research (EPSOOR), which is a cooperative venture among six research universities and the National Science Foundation. In addition, the Commission and its staff have assisted the consortium which operates the marine science laboratory in the Gulf of Mexico.

With regard to the area of gifts, Section 14 of the law establishing the Commission and expanding its authority provides that the Commission is authorized to accept gifts, devices, grants, or bequests and to carry out the provisions of the contracts established when these gifts are accepted. To date there is little evidence that the Commission has made much effort in this area, and apparently the securing of gifts, endowments, and similar funding is minimal. However, given the small size of the staff and the large tasks assigned to the members of the Commission, there has been very limited time for work on such potential gifts.

X. General Findings

In the extensive interviews which were conducted and the numerous written comments which were returned to the Committee, a number of useful findings were clearly present:

1. There is widespread agreement that the work of the current executive director has made a material difference in the effectiveness of the Commission on Higher Education. This is shown clearly in responses from the lay public, institutional administration, and Legislative and Executive offices of the government.
2. The increase, even though relatively small, in the staff of the Commission which can be assigned to policy and coordination has made a considerable difference in the effectiveness of the Commission. There has been a conscious effort to move in the directions recommended by the previous Evaluation Committee and strongly advocated by members of the Legislature. Additions to the staff have made it possible for the many responsibilities of the Commission to be fulfilled more completely. There is

concern among institutions that members of the staff of the Commission have somewhat limited experience in higher education and often not at a policy-making level. On the other hand, there were strong evidences of support from members of the Legislature for the quality of the staff and consistent indications that the Commission's director and staff have come "a long way" in the past three years.

3. The evidence strongly indicates that the success of the Commission in the future will be directly proportional to its impact on the Governor and the Legislature. A movement toward line item budgets which has expanded greatly in the last two Legislative sessions poses a serious problem for the Commission, for the taxpayers of the State of Alabama, and for the future development of an orderly budget procedure. Various numbers were provided to the Committee regarding the relatively large number of Legislators who are on the payroll of the public higher education institutions. Figures vary, but the numbers are always extremely significant and indicate that a very high proportion of the Legislators work for varied public higher education institutions. There is no way to know whether there is a direct cause and effect between this fact and the increasing numbers of line items which are approved by the Legislature simultaneously with the beginnings of executive use of the Commission budget for its budget proposals. This is a problem which in the long run will directly affect the work of the Commission and its effectiveness--and whether in the long run it can actually be effective in the budgeting process, one of its major assigned functions.
4. The action of the Commission on Higher Education in proposing a solution to the Title 6 desegregation suit was often cited by persons communicating with the Committee, with a considerable division as to its desirability. Some felt that the Commission had made a contribution by attempting to develop a possible solution to the suit. On the other hand, a significant number felt that the Commission should have relied on or deferred to the Governor for action in this matter. The consensus of evidence presented to the Committee indicated that the Commission on Higher Education understood that it was charged with developing such a plan for the Governor and the State of Alabama until a very few days before the plan was supposed to be submitted to the court. It was a very hectic time, and evidence indicates that a decision had to be made in a very short time regarding the treatment of the work which the Commission had done on this subject. The Commission felt that it had effectively done the job which it had been requested to do in the first place as an agency responsible for

studying and improving higher education in the State of Alabama. The Commission presented its proposal to the Governor and his staff. Then, two plans were submitted by the Governor to the court.

5. The Alabama law since 1969 has required Legislative approval every four years of the Commission's appointed Executive Director. No other state has such a law, and it appears to be unique among Alabama agencies. In the political system of Alabama, few qualified persons will be courageous enough to accept a position with such a unique requirement. Under the circumstances, the committee finds that the Commission has been most persuasive and successful in filling the position.

SECTION III

RECOMMENDATIONS: II-VIII

The committee was charged "to recommend changes as needed," based on its evaluation of the past and current effectiveness of the work of the Commission on Higher Education and on the current economic, social, and political conditions in Alabama. This is truly a humbling responsibility. Making recommendations requires judgments regarding an unknown future, always a difficult task. Nevertheless, we present the following recommendations with the hope that they will be of help to Alabamians in the future as they avail themselves of the opportunities for learning, research, and public service provided by their colleges and universities, with positive coordination by the Commission on Higher Education.

Recommendation No. II

Higher education commissions, state systems, and coordinating boards throughout the United States, whether constitutional or statutory, depend primarily on public funds and essentially on the confidence of the Governor and Legislature for whatever operational authority and responsibility they have in actual practice. The ability of a commission or board to study and analyze objectively and then communicate its findings widely is one of its most important powers. The Alabama Commission on Higher Education has many assigned areas of responsibility, a relatively small staff, and important but limited legal authority. But it has the critical power to study, analyze, and communicate its findings widely. While significant numbers of persons have recommended that additional controlling power be given to ACHE, another significant number has counselled the Quadrennial Evaluation Committee that there is no need for the Commission to have increased authority. Even in the area of termination of existing programs which has been mentioned most often, this Committee disagrees and repeats the recommendation of the Third Evaluation Committee.

THE COMMISSION ON HIGHER EDUCATION AND ITS STAFF SHOULD SET ASIDE THE ISSUE OF MORE AUTHORITY, CONTINUE TO ESTABLISH CLEAR PRIORITIES REGARDING ITS MANY LEGALLY ASSIGNED RESPONSIBILITIES, PUBLICIZE THEM CLEARLY, AND ACHIEVE THE BEST POSSIBLE PERFORMANCE OF THE HIGHEST PRIORITY DUTIES.

Recommendation No. III

The development of a consolidated, unified budget which will detail the needs of the State of Alabama for higher education services from its colleges and universities during the succeeding year(s) is one of the highest priority duties assigned by law to the Commission on Higher Education in Alabama or to any comparable body in any state. In the past decade, it has become clear that enrollment-driven budget formulas are not adequate to the needs of states for changing patterns of enrollments, changing patterns of programs, and the developing economic and social needs. As a consequence, simplistic enrollment-driven formulas provide only a base for making critical adjustments in the budgets of various institutions and differentiating clearly between important operational budgeting needs, minor capital outlay items, and long-term capital construction needs. In the last three years it has become clear that budget projections based on "needs of institutions" as specified in the law do not reflect the availability of funds and the need for programs in varied institutions as seen by the political system of the State. The increasing use of special line items for particular institutions during the last two Legislative sessions is dramatic evidence of the problems involved.

Section 9 of the current law relating to budget proposals and recommendations has sufficiently broad language for the Commission on Higher Education to establish whatever budget formula and techniques may be best for the institutions to meet the overall needs of the State of Alabama. However, the entire budgeting process involving all of the players, including the institutions, the Commission on Higher Education, the Governor and the executive staff, and the Legislature and the Legislative budget staff, means that any change in the budgeting system must be mutually satisfactory to all concerned. As a consequence, we make the following recommendation (III).

THE COMMISSION ON HIGHER EDUCATION AND ITS STAFF SHOULD TAKE THE LEAD IN WORKING WITH THE GOVERNOR AND THE EXECUTIVE STAFF, THE LEGISLATURE AND THE LEGISLATIVE BUDGET STAFF, AND THE LEADERSHIP OF THE SEVERAL COLLEGES AND UNIVERSITIES IN THE STATE OF ALABAMA TO DEVELOP A NEW AND MORE DIVERSE BUDGETING FORMULA, INCLUDING (1) ENROLLMENTS AS A BEGINNING FACTOR BUT ALSO INCLUDING (2) A VARIETY OF PERFORMANCE-BASED MEASURES AND AN ANALYSIS OF THE DEVELOPING ECONOMIC AND SOCIAL NEEDS OF THE STATE TO (3) PROVIDE FOR SPECIAL BUDGET ALLOCATIONS AS NEEDED TO MEET EACH OF THESE VARIED FACTORS.

Recommendation No. IV

The Commission on Higher Education has clear authority and responsibility to review and determine which new programs are needed in the State of Alabama and at which institutions they should be offered. In this area of responsibility the Commission is operating effectively. It also has the clear responsibility to review, analyze, and publish the results of its findings regarding existing programs at the varied public higher education institutions in the State. This responsibility provides the Commission the opportunity to take leadership in the development of stronger academic programs at the various institutions. An effective review process will assist institutions in identifying strengths and weaknesses and areas of needed improvement to provide maximum service to students. The process also must be perceived as useful by the faculty and administration and encourage institutional action for program improvement. The current process does not accomplish these goals. Therefore, the Committee makes the following recommendation (IV):

THE COMMISSION ON HIGHER EDUCATION SHOULD DIRECT ATTENTION TO THE DEVELOPMENT, IN CONSULTATION WITH THE COLLEGES AND UNIVERSITIES, OF A NEW PROGRAM REVIEW PROCESS WHICH INCORPORATES APPROPRIATE MECHANISMS TO STRENGTHEN, VITALIZE, OR MODIFY EXISTING PROGRAMS CONSISTENT WITH INSTITUTIONAL GOALS AND STATEWIDE NEEDS.

Recommendation No. V

The Commission on Higher Education has the legal authority and responsibility to establish a statewide plan for higher education and to study it continually and modify it yearly as the changing economic, social, and demographic trends in Alabama make it necessary. Findings to date indicate that the statewide plan, based on the proposed missions, roles, and resulting programs as proposed by the various institutions in the planning developments to date, does not provide an adequate statewide strategic higher education plan which is clearly enunciated and understood by all of the important agencies, institutions, and personnel operating in the State of Alabama. Therefore, the Committee makes the following recommendation (V).

THE COMMISSION ON HIGHER EDUCATION AND ITS STAFF, WORKING IN CLOSE COMMUNICATION WITH THE VARIED INSTITUTIONS OF HIGHER EDUCATION IN THE STATE OF ALABAMA, SHOULD PROCEED WITH DISPATCH TO DEVELOP, FINALLY, A STRATEGIC PLAN FOR ALL OF HIGHER EDUCATION IN THE STATE OF ALABAMA, KEEPING IN MIND THE MAJOR CONCERNS OF MANY PARTIES REGARDING UNNECESSARY DUPLICATION OF PROGRAMS. SIMULTANEOUSLY, THE LEGISLATURE, THROUGH ITS MAJOR RELATED COMMITTEES, SHOULD BE INVOLVED IN THIS PROCESS AND COGNIZANT OF THE FISCAL AND PROGRAMMATIC IMPACTS OF SUCH A STATEWIDE PLAN. AT AN APPROPRIATE TIME, THE EXECUTIVE STAFF OF THE GOVERNOR

SHOULD BE BROUGHT INTO THE CONSIDERATIONS AND MADE A PART OF THE EFFORT TO DEVELOP A COMPREHENSIVE, FISCALLY RESPONSIBLE, AND ECONOMICALLY WISE HIGHER EDUCATION PLAN FOR THE FUTURE DEVELOPMENT OF THE STATE.

Recommendation No. VI

There are in the existing law establishing the Commission on Higher Education some minor desirable changes to be made, and in the Education Code there are some related laws which might well be transferred into the section relating directly to the work of the Commission. Accordingly, the following recommendation (VI) is made.

THE LEGISLATURE, WORKING WITH THE STAFF AND THE COMMISSION ON HIGHER EDUCATION, SHOULD MAKE SOME MINOR CHANGES IN THE ENABLING LEGISLATION WHICH ESTABLISHED AND DEFINED THE DUTIES OF THE COMMISSION ON HIGHER EDUCATION. PARTICULAR ITEMS TO BE CONSIDERED ARE AS FOLLOWS:

(A) THAT SECTIONS 16-3-32 OF CHAPTER 3 THROUGH 16-3-35 OF THE ALABAMA EDUCATION CODE BE MOVED TO THE SECTION DEALING WITH THE ALABAMA COMMISSION ON HIGHER EDUCATION AND REVISED AND AMENDED TO COINCIDE WITH SECTION 11 OF ACT NO. 71-461 WHICH TRANSFERRED THESE DUTIES OF THE STATE BOARD OF EDUCATION TO THE COMMISSION ON HIGHER EDUCATION;

(B) ALSO CONSIDER MOVING ACT 227, HOUSE JOINT RESOLUTION 42, 1949, AND ACT 40, HOUSE JOINT RESOLUTION 21, 1955, RELATING TO THE SOUTHERN REGIONAL EDUCATION BOARD AND THE SOUTHERN REGIONAL COMPACT FOR EDUCATION TO THE SECTION OF THE EDUCATION CODE ESTABLISHING THE COMMISSION ON HIGHER EDUCATION AND EMPOWERING IT TO CARRY ON THESE FUNCTIONS;

(C) DELETE FROM SECTION 4 OF THE LAW RELATING TO THE COMMISSION ON HIGHER EDUCATION THE TWO SENTENCES IN PARAGRAPH 4 RELATING TO THE APPOINTMENT OF THE EXECUTIVE OFFICER OF THE COMMISSION ON HIGHER EDUCATION AND THE REQUIREMENT THAT THIS APPOINTMENT BE RECONFIRMED BY THE SENATE EACH FOUR YEARS BEGINNING WITH THE REGULAR SESSION OF 1981. A NEW CONTRACT EVERY FOUR YEARS, DETERMINED BY THE COMMISSION ON HIGHER EDUCATION, SHOULD PROVIDE FOR ADEQUATE REVIEW AND IS A NORMAL METHOD OF APPOINTMENT OF SENIOR OFFICIALS OF THIS CALIBER AND TYPE.

Recommendation No. VII

Many states have moved to the centralization in one state regulatory agency of the licensure and chartering of all types of postsecondary institutions. This arrangement seems to be appropriate for the State of Alabama at this time. Accordingly, the Committee makes the following recommendation (VII).

THAT THE LEGISLATURE CONSIDER CONSOLIDATING RESPONSIBILITIES NOW DIVIDED BETWEEN TWO OR MORE AGENCIES AND MAKE THE COMMISSION ON HIGHER EDUCATION RESPONSIBLE FOR LICENSURE, CHARTERING, REVIEW AND EVALUATION OF ALL NON-RESIDENT, AND IN-STATE PROPRIETARY, POSTSECONDARY INSTITUTIONS OPERATING IN ALABAMA AND RELIEVE THE STATE BOARD OF EDUCATION OR OTHER STATE AGENCIES OF RESPONSIBILITY IN THIS AREA.

Recommendation No. VIII

Comments were made frequently during this evaluation about the need to bring to satisfactory closure the desegregation suit which is now in litigation. The present environment calls for caution when institutional representatives meet in conference, for there is the fear that their comments could eventually find their way into the courts. Such restraint inhibits open and candid discussion which is necessary for interinstitutional cooperation. Strategic and long-range planning is made difficult, if not impossible, because of the uncertainties associated with the outcome of the suit. Accordingly, the Committee makes the following recommendation (VIII).

IT IS STRONGLY RECOMMENDED THAT ALL RELEVANT PARTIES MOVE AS EXPEDITIOUSLY AS POSSIBLE TO BRING TO RESOLUTION THE MANY AND COMPLEX ISSUES INVOLVED IN TITLE VI LITIGATION.

The evidence provided to the Fourth Quadrennial Evaluation Committee indicated that the Commission on Higher Education has moved ahead rapidly in the last four years and has done excellent work in a number of areas. Yet additional work remains in the Commission's very diverse responsibilities. Clearly, the State of Alabama needs a central coordinating body to provide the Legislature, the Governor, and the people of Alabama with the necessary coordinative machinery for its very diverse higher education institutions. The development of priorities by the Commission for its limited staff in the policy and coordination areas is an important consideration for the future. Simultaneously, the staff of the Commission needs to be given appropriate directions regarding high priority in contrast with lower priority duties. They have much to do and quite a limited staff to accomplish these many duties. If State funding for this agency remains limited in the future, the prioritizing of action items will be even more important. Continuing effort by the Commission, the Executive Director, and the senior staff members will be needed to address the problem carefully and continually to place the emphasis where it is most important and where use of professional expertise is most desirable.

SECTION IV

CURRENT CONDITIONS IN ALABAMA

The years from 1981-1985 have been described by the Southern Growth Policies Board as a "watershed" period in the economic and social development of the Southern states, a finding basically confirmed by data and reports from comparable regional research groups. The rapid expansion of manufacturing and related businesses in the 1960s and 1970s had been stimulated by a low-wage, non-union labor force moving off the farms and anxious for new work. In addition, a low tax, industry-favorable business climate led many companies to establish branch plants, often major ones, and greatly affected the distribution of employment and the types of products sold.

Alabama participated extensively in this change. Between 1971 and 1981, farm employment continued to drop, losing over 20 percent, while employment in electrical machinery (often called high-tech) increased over 100 percent in the same decade. Another example common to a number that could have been selected was employment in the paper manufacturing area, where the total increased over 15 percent and the resulting total employment group was almost as large as the total remaining farm employment. Forecasts for 1990 show that employees in the paper manufacturing sector alone will exceed the number employed in farming by almost 18 percent. At the same time, farm proprietors also are expected to drop in number. They dropped over 14 percent from 1971-1981, with an additional drop of over 6 percent from 1981-1985. These data are indicative of the move away from a farm economy base. An increasing proportion of persons in Alabama earn their livelihood from manufacturing and from the developing service industries. Trades and services combined grew from about one-fourth of total employment in 1971 to almost one-third in 1981, an increase of almost 27 percent in a decade. These examples are indicative of major changes which took place in the seventies as a prelude to the current decade.

Several other important changes, however, took place in the early 1980s. International competition, the redistribution of federal funds directed toward the states, and the 1980-1982 recession took their toll. The industries attracted in the 1960s and 1970s were mostly traditional industries such as textiles, apparel, leather, and wood products and electrical equipment assembly. Between 1980 and 1986 over 100,000 jobs were lost to international competition by the Southern states alone, mostly in such traditional industries and/or in farming. Federal support for rural economic development dropped materially (over 20 billion in the South since 1980), and Gramm-Rudman-Hollings legislation could result in further cuts. Employment of federal, civilian, and military employees in Alabama alone was over 8 percent of the state total in 1982, and it dropped almost 10 percent by 1985—with further drops expected yearly through 1990. By comparison, total farming proprietors and

workers in Alabama are only about 71 percent of the number of federal workers. A further cutback in federal spending on either federal support programs or federal employment itself could have a considerable effect on the Alabama economy. Thus, the combination of events in the early 1980s--(1) international competition for the traditional, recently developed industries; (2) cutbacks in some federal support programs; (3) a significant drop in federal employment itself; and (4) slow adaptation of state economic policies--has led to the conclusion by many economic and social analysts in Alabama, and throughout the South, that the last quadrennium has seen a major refocusing of factors facing Alabama. Every one of its social institutions, including in particular its colleges and universities and its Commission on Higher Education, thus must adapt to these major changes.

During the past five years, state governments in the South have greatly expanded activities designed to promote economic change in an attempt to alleviate the impact of the factors cited above. Governors have taken a very direct role in many states, and allocation of scarce resources through state budgets has become even more critical. In many cases emphasis has been placed on economic diversification and on the creation of new firms, particularly as it has become clear that small businesses develop the greatest number of new jobs. Many of these entrepreneurial efforts developed from new ideas from educational institutions. The "incubator" movement has swept the country, with states placing these specialized facilities near key educational institutions. A large number of the resulting companies and jobs have been in technology development and in needed service industries often unique to the area. Significant capital costs for these new developments require that resources from both industry and the State must be directed toward these new businesses. The need to compete in an increasingly active international market has required states to allot funds to increase efforts in this area. With exports increasing from 5 to 13 percent of the GNP in the last two decades, this new direction has been essential. Alabama has made serious moves toward international marketing in recent years, trying to assist both mature, traditional industries and newer industries.

In all of these efforts, linkage programs between public universities and private industry have been and will continue to be critical. Two-year colleges and technical institutes were crucial to the training of workers for traditional industries in the 1960s. Similarly, research universities with their research in technology and developing service industries are critical to this current situation. Joint economic development efforts by businesses and institutional sources of new knowledge and ideas, can and are takeoff points for regeneration of economies that have been badly stretched and sometimes broken in the recession years of the early 1980s. In some states which have been slow to recover from the deep 1982 recession (and Alabama is one of these), the effort must be even greater to move in this direction. There has been considerable

success in using this combination at Huntsville in space science and in Birmingham in health science and at Tuscaloosa, Montgomery, and Mobile.

At the same time, and despite a decreasing base in agriculture, a serious need exists to develop agri-business, new agriculture-related industries, and increased farm exports. Changes in emphasis in agricultural research toward final processing of farm-based products and more support for specialized "incubator" centers for this purpose could be very helpful for Alabama's economy. Simultaneously, the state's two-year and four-year institutions must continue their program adaptations to provide skilled personnel for the new research centers, changing technologies and business operations, and expanded service industries of coming decades. In particular, the "teaching universities" must be major sources of highly trained personnel and key institutions for upgrading the education needed to provide for upward mobility of advanced technical and middle-management personnel.

A continuing need exists, however, for increased research and development funding by the state as well as by private capital in order for such varied developments to continue and increase. The fiscal situation of the state, with proration in effect, requires cooperation of all concerned agencies and institutions to make this effort a long-term, successful statewide program.

The political conditions in any state both reflect and create the economic and social conditions. Alabama has increasingly faced a highly politicized situation in its public colleges and universities in the early years of the 1980s. Public reports of the large sums spent for lobbyists to influence state budgets demonstrate the openness and great size of the political system. The line item system of budgeting has grown significantly in the past four years. There is a need for fiscal decisions based on overall state higher education needs in preference to resource allocation often based mostly on temporary political coalitions.

Several Southern states have led the nation in recognizing that high-quality educational programs at all levels are absolutely essential for economic and industrial development. Thus, Alabama has a unique opportunity for a new Governor and state administration team to work with the Legislature, the Commission on Higher Education, and all postsecondary institutions in shaping first-rate higher education programs. They will yield not only educational and cultural but also economic and industrial returns to the state for the 1990s and the twenty-first century.

APPENDIX A

THE TASK OF THE COMMITTEE AND ITS MODE OF OPERATION

This Fourth Quadrennial Evaluation Committee to evaluate the effectiveness of the Alabama Commission on Higher Education was appointed formally on August 12, 1986. Seventeen years earlier the Alabama Legislature passed and the Governor signed into law Act No. 14 of the 1969 Special Legislative Session establishing the new Commission. As part of the Act, a unique section was included requiring that "during the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this State to evaluate the effectiveness of the work of the Commission and to recommend changes as needed." Following the report of the Second Evaluation Committee in 1979, Act No. 79-461 changed the original law in a number of significant ways--but Section 12, "Evaluating and Revising the Commission," was continued. The final "report prepared by the Committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of higher education in this state and the public."

The Chairman of the Commission on Higher Education, Mr. Bob Word, in the appointment of this Fourth Quadrennial Evaluation Committee, added a further charge to the Committee, requesting that it serve as an "evaluator of current objectives in light of the perceived economic, social, and political environment in Alabama." The members of the Committee accepted this responsibility. As a result, this report includes three parts beyond the Introduction: (1) "Current Conditions in Alabama," a brief summary of apparent economic, social, and political circumstances, (2) "Findings Regarding the Effectiveness of the Alabama Commission on Higher Education," and (3) "Recommendations" regarding needed changes.

The Committee's Mode of Operation

For the fourth quadrennial evaluation, the Commission on Higher Education appointed a four-person committee. (See Appendix B for the vitae of the committee members.) The members of the Committee made four trips to Alabama, holding formal sessions for two full days during each trip. The chair met with the Commission executives for an additional day in order to review materials and resources available and plan the logistics of the evaluation. A plan for the conduct of the evaluation was prepared, discussed with the full Committee at its first meeting, and agreed upon.

It was determined that several hundred letters would be sent to state officials, board members of various institutions, presidents and chancellors of public and private systems, colleges and universities, and other persons known to be concerned or knowledgeable about the work of the Commission. Either written or personal

comments regarding the work of the Commission were encouraged, and confidentiality was assured. The Committee also encouraged those contacted to promote further unsolicited response from interested persons. As a result of these letters and contacts, the Committee received many letters, some quite lengthy and analytical, and conducted dozens of personal, confidential interviews. A wide spectrum of persons thus provided the Committee with valuable data and insights. The Committee wishes to express its deep appreciation to those persons who assisted, often at considerable personal inconvenience. Also, we assure that the promised confidentiality has been maintained and that no one has been cited in the report as a source of particular data. Appendix C is a list of these persons.

A large number of related documents were reviewed in detail, including public documents, extensive newspaper reports of Commission activities, Commission reports and documents, and legislative and budgetary materials. These documents, plus the interviews and written data and statements received, have provided the Committee with a wealth of varied data and opinions.

To protect the confidentiality of the process, no person connected with the staff of the Commission had any contact with the confidential materials received. The Committee maintained a separate post office box, and all materials received were opened personally by the chair of the Evaluation Committee. The logistics for the various meetings of the Committee and materials requested by the Committee were provided by Dr. Elizabeth French, the Assistant Director for Academic Affairs. Her experience in this capacity with two of the preceding evaluation committees reinforced the need for total confidentiality and discretion in working with the many leaders of Alabama society who took so seriously the work of the Committee. Other staff members of the Commission also provided timely aid with critical documents and interviews. We are grateful to all of them for expediting the work of the Committee.

The report represents the collective judgment of the four members of the Committee. The several sessions, coupled with extensive study of and our concern for future higher education in Alabama, culminated in agreement on a report which no one of us alone could have compiled. However, we have labored to provide a report which is fair, straightforward, and above all designed to continue and improve the service which Alabama citizens deserve and receive from their colleges and universities. If we have succeeded, then this evaluative procedure, unknown in any other state, will have, once again, demonstrated the ingenuity of the Alabama political system.

APPENDIX B

MEMBERS OF THE FOURTH QUADRENNIAL EVALUATION COMMITTEE

VITAE

FRED F. HARCLEROAD, Chair

Fred F. Harclerod is a consultant in higher education, serving colleges, universities, and state systems in areas such as organization, accreditation, planning, and management. From 1974 to 1984, he was a Professor of Higher Education at the University of Arizona. From 1974 to 1980, he served as Director of the Center for the Study of Higher Education. Previously, from 1967-74, he was president of The American College Testing Program (ACT) and an Adjunct Professor of Higher Education at the University of Iowa. Before joining ACT in 1967, he was founding president of California State College, Hayward (now California State University, Hayward) from 1959-1967. Other past positions include service as Dean of the College at San Jose State College (now California State University, San Jose) from 1952-1959 and Professor of Education and Chair of the Division of Education while serving at San Diego State College (now California State University, San Diego) from 1946-1952. He has served as a consultant to seventeen of the member groups of the Council on Postsecondary Accreditation and as a consultant/evaluator of higher education in fifteen states throughout every region of the United States.

He has been an officer or board member of numerous regional and national organizations including such groups as the American Association of State Colleges and Universities, the Western Association of Schools and Colleges, the College and University Council of the American Association of Community and Junior Colleges, a Commissioner of the Education Commission of the States, and a consultant or member of several of its national Task Forces and projects, president and board member of the Association of Professors of Higher Education, a member of the Higher Education Colloquium, chair or member of many accreditation teams over a thirty-five year period, for six years a member of the Editorial Board of the AV Communication Review, for eight years a member of the Board of Directors of the Educational Communications and Technology Foundation, and nine years as member and chair (eight years) of the Accrediting Commission of the National Home Study Council.

Some of his publications include six major studies providing much of the baseline data about the comprehensive state colleges and universities; Audio-Visual Instruction; Technology, Media, and Methods, of which he is coauthor, the original edition being published in 1959, with subsequent revisions in 1964, 1969, 1973, 1977, and 1983, with a Spanish edition in 1976; Issues of the 70's:

The Future of Higher Education, 1971; four monographs on issues in accreditation; editor of three monographs on state coordination and governance; chapters in Evaluating Statewide Boards and in Understanding Accreditation, plus dozens of other chapters, magazine articles, and reports on state systems.

Professor Harclerod earned the B.A. in 1939 and M.A. in 1942 at the University of Northern Colorado and the Ph.D. in the history of higher education with outside concentrations in psychology and public administration at Stanford University in 1948.

STEVEN ALTMAN

Dr. Steven Altman joined Texas A&I University as its tenth President in September, 1985. Prior to his appointment, he was associated for thirteen years with Florida International University in Miami. During that time he held various positions including service as Provost and Vice President for Academic Affairs from 1981-85. During that period, FIU grew by 33 percent in enrollment, added three new colleges, and implemented over 35 new programs at undergraduate, master, and doctoral levels.

Dr. Altman also served at Florida International University as Associate Vice President for Academic Affairs from 1978-85, Assistant Vice President for University Outreach from 1977-78, and Chair of the Department of Management in the College of Business Administration from 1972-77. He was also Assistant Dean of the School of Business at the University of Southern California from 1969-72. Dr. Altman served as Assistant, Associate, and full Professor of Management and Marketing at Texas A&I University.

Dr. Altman received his doctorate and M.B.A. from the University of Southern California and his bachelor's degree in mathematics from UCLA. He has won two teaching awards for classroom excellence and is the author of eight books and over a dozen professional articles. He was awarded the Freedom Foundation Gold Medal for development of the economic simulation game Marketplace and was named Labor Educator of the Year in Miami in 1977.

He has been engaged in numerous professional and civic organizations. He served as Special Master for the Florida Public Employees Relations commission from 1977-85 and is a labor arbitrator for the American Arbitration Association. Dr. Altman was appointed to serve on Teacher Education Advisory Boards in Florida and Texas and serves on the Economic Development Task Force for the American Association of State Colleges and Universities. He is Vice Chair of the Hispanic Association of Colleges and Universities and has served as a delegate to over two dozen state or national invitational conferences. He is a consultant and speaker to numerous organizations and holds professional memberships in the Academy of Management, the Industrial Relations Research Association, the Society for Professionals in Dispute Resolution, the American Society of Public Administration, the American Council on Education, and the American Association of Higher Education.

Dr. Altman is also active in community affairs, having served for two years as president of the Chamber of Commerce in Miami, and is currently president of the Chamber of Commerce in Kingsville. Dr. Altman is a member of the Planning Committee of Spohn Kleberg Hospital, and a past Director of the foundation for Public Education in Miami and the International Health Council. He also serves on the Board of the South Texas Economic Development Council.

AUBREY LUCAS

Aubrey K. Lucas is a native of Mississippi and has been President of the University of Southern Mississippi since 1975. Prior to that, he was President of Delta State University. Before becoming a university president he had served as Director of Admissions, Registrar, Dean of the Graduate School, and Professor of Higher Education at the University of Southern Mississippi.

He earned his Bachelors and Masters Degree at the University of Southern Mississippi and in 1966 was awarded the Ph.D. Degree at Florida State University.

He has been active in the American Association of State Colleges and Universities by serving on many committees and was Chairman of that organization in 1984-85. He also served for two years as a member of the Board of Directors of the American Council on Education. For twelve years he served as one of Mississippi's representatives to the Southern Regional Education Board and served twice as a member of the Executive Committee. He has also served as President of the Mississippi Association of Colleges.

Statewide civic responsibilities have included Chairman of the Mississippi Economic Council, State Crusade Chairman for the American Cancer Society, Chairman of the Mississippi Arts Commission, and a member of the Mississippi Committee for the Humanities. He has been active in the Hattiesburg Chamber of Commerce and has served as a President of the Forrest-Lamar United Way.

He is active in the United Methodist Church and serves as the Lay Leader of the Mississippi Conference. In 1982 he served as Chairman of the Mississippi Conference Delegation to Jurisdictional and General Conferences. He is a member of the Episcopacy Committee for the Southeastern Jurisdiction as well as a member of the General Board of Global Ministries.

His research has dealt primarily with the history of education in the State of Mississippi.

He is an honorary member of Phi Theta Kappa, a national scholastic honorary for junior college students, and serves as Chairman of the Board of Directors.

He holds membership in Omicron Delta Kappa, Phi Kappa Phi, Kappa Delta Pi, Phi Gamma Mu, Phi Delta Kappa, and other honorary organizations. He is listed in Who's Who in America and other biographical volumes.

Aubrey Lucas serves as Chairman of the Hattiesburg Community Board of the Bank of Mississippi and is a member of the Board of Directors of the Mississippi Power Company. Other business interests include tree farming.

ARLISS L. ROADEN

Dr. Arliss L. Roaden, Executive Director of the Tennessee Higher Education Commission, is a native of Corbin, Kentucky, and a graduate of Cumberland College, Carson Newman College, and the University of Tennessee.

The Commission is the coordinating agency responsible for planning, budgeting, and program approval for public higher education in Tennessee, and as executive director, Dr. Roaden serves in an ex officio capacity on the State Board of Regents of the State University and Community College System, on the State Board of Education, and on the University of Tennessee Board of Trustees. He is chair of the Tennessee Foreign Language Institute Board, a member of the Board of Directors of the Southern Regional Education Board, the Board of Trustees of the Southern Association of Colleges and Schools, and the Southeast Regional Advisory Board of the Institute of International Education.

Dr. Roaden served as a member of the Council on Postsecondary Accreditation Self-Study Advisory Panel and is chair of the State Higher Education Executive Officers' Task Force on Program and Institutional Assessment. He is a member and past chair of the Phi Delta Kappa Educational Foundation Board of Governors; a former member of the Southern Association of Colleges and Schools, Commission on Colleges, Committee on Standards and Reports, past chair of the Tennessee Commission members and of the program Subcommittee to Revise Accreditation Standards; contributing editor of Phi Kappa Phi's National Forum; ex officio member of the Board of Directors of the Tennessee Technology Foundation; past president of the Tennessee College Association; former member of the Board of Directors and state representative of the American Association of State Colleges and Universities (AASCU) and past chair of AASCU's Committee on Science and Technology; past chair of the Publications Committee of the American Educational Research Association; past president of the Ohio Valley Athletic Conference; and past vice president for Division I, National Collegiate Athletic Association (NCAA), past member of the NCAA Council, Executive Committee, and Administrative Committee.

Dr. Roaden is the State Crusade Chair for the Tennessee Division of the American Cancer Society; member of the Executive Board and the Commissioner of the Middle Tennessee Council of Boy Scouts; serves on the Executive committee of the Board of Directors of American Bank and Trust in Cookeville, Tennessee; is a member of the Board of the Japan Center of Tennessee; a member and secretary of the National Board of Directors for Project 714, a drug intervention and prevention program for junior and senior high school students.

Before his appointment as executive director of the Tennessee Higher Education Commission, Dr. Roaden served for 11 years as president of Tennessee Technological University where he has been designated as President Emeritus. From 1962 until 1974, he served on the faculty and administrative staff at The Ohio State University as assistant, associate, and full professor; director of graduate studies in education; associate dean and acting dean of the College of Education; and vice provost for research and dean of the Graduate School. At Ohio State, he was a member of a number of university policy councils and committees and served as vice president of the Board of Directors of the Research Foundation; chair of the Editorial Board of the University Press, and chair of the university's long-range planning group, "The Centennial Commission on the Future of the University" which published Directions for the Future.

Dr. Roaden has also been an elementary school teacher, a member of the staff at the Oak Ridge Institute of Nuclear Studies, a faculty member at Auburn University, and has held visiting professorships at Marshall University, The University of Southern California, and Indiana University.

Active in professional activities, Dr. Roaden holds membership in the American Association of Higher Education, American Educational Research Association, National Society for the Study of Education, the American Association for the Advancement of Science, the National Academy Of Political and Social Science, Phi Delta Kappa, and Phi Kappa Phi.

Dr. Roaden is a wide-ranging spokesman for higher education throughout the local community, the state, and the nation. He has served as a member of the Governor's Economic Development Team in England and Germany and has been on educational missions in Japan, Taiwan, the Peoples Republic of China, France, Russia, and Eastern Europe. He has testified before Congressional committees on behalf of the American Association of State Colleges and Universities and other national associations relative to the needs of research and science education. He is often called on to serve as a consultant and on evaluation teams for professional groups and educational institutions and as a speaker to professional, civic, and educational organizations throughout the country.

Dr. Roaden is the author of two books and more than 50 articles, papers, and research reports published in professional journals, monographs, and books. Most of his work deals with educational leadership, urban educational issues, and educational research and evaluation.

He has been awarded an honorary doctorate from Cumberland College in Williamsburg, Kentucky; honored as a distinguished alumnus of that College; and has served as a member of Cumberland's Alumni Association Board. He received the Contribution to Football Award from the Middle Tennessee chapter of the National Football

Foundation and Hall of Fame in recognition of his work with the NCAA to improve intercollegiate athletics. He was selected by the Cookeville Jaycees as the 1985 Boss of the year, and the Cookeville Rotary club as Rotarian of the Year for 1984. The Middle Tennessee Council of Boy Scouts conferred on Dr. Roaden its highest service honor in 1983, the Silver Beaver Award.

APPENDIX C

LIST OF INDIVIDUALS PROVIDING DATA THROUGH WRITTEN RESPONSE OR PERSONAL INTERVIEW

LEGISLATORS

Representative Charles Adams
Representative W. C. (Bill) Bowling)
Representative James Campbell
Representative James Clark
Representative Tom Coburn
Senator Ryan DeGraffenried
Senator Larry Dixon
Representative Sundra Escott
Representative George Grayson
Representative Jimmy Holly
Representative Roy Johnson
Senator Hinton Mitchem
Representative Mike Mikell
Senator Mac Parsons
Senator John Teague
Representative Pete Turnham
Honorable William Baxley, Lieutenant Governor
Honorable McDowell Lee, Secretary of the Senate

ADMINISTRATORS OF POSTSECONDARY INSTITUTIONS

Dr. Ralph Adams, Chancellor, The Troy State University System
Dr. James C. Bailey, President, Wallace State Community College,
Hanceville
Dr. Tom Bartlett, Chancellor, The University of Alabama System
Mr. Hugo Barton, President, Muscle Shoals State Technical College
Dr. Thomas E. Corts, President, Samford University
Dr. Douglas Covington, President, Alabama A&M University
Dr. Joseph Dowdle, Vice-Chancellor for Finance, The University of
Alabama System
Dr. Gene Elrod, President, Troy State University at Montgomery
Dr. Asa Green, President, Livingston University
Dr. Johnny L. Harris, President, J. F. Drake Technical College
Dr. Thomas Harrison, President, Troy State University at Dothan/Ft.
Rucker
Dr. Leon Howard, President, Alabama State University
Dr. John Lyons, Associate Vice President for Administration and
Director of Institutional Studies, University of Alabama at
Birmingham

ADMINISTRATORS OF POSTSECONDARY INSTITUTIONS (CONTINUED)

Dr. Charles McCallum, Acting President and Senior Vice President for Health Affairs, University of Alabama at Birmingham
Dr. N. H. McCrummen, President, Judson College
Dr. Harold McGee, President, Jacksonville State University
Dr. James E. Martin, President, Auburn University
Dr. Judy Merritt, President, Jefferson State Junior College
Dr. Charles Payne, Chancellor, Alabama College System
Dr. Lane Rawlins, Vice Chancellor for Academic Affairs, The University of Alabama System
Major-General (Ret.) Clyde W. Spence, President, Marion Military Institute
Dr. Joab Thomas, President, University of Alabama
Dr. James Vickrey, President, University of Montevallo
Dr. Frederick P. Whiddon, President, University of South Alabama
Dr. James Williams, Chancellor, Auburn University at Montgomery
Dr. John Wright, President, University of Alabama in Huntsville

MEMBERS OF THE STAFF OF THE ALABAMA COMMISSION ON HIGHER EDUCATION

Dr. William O. Blow, Deputy Executive Director, Planning and Coordination
Dr. William Bowden, Assistant Director for Research and Service
Mrs. Omega Burritt, Associate Director of Student Assistance
Dr. Elizabeth C. French, Assistant Director for Academic Affairs
Dr. Carl Marbury, Assistant Director for Academic Planning and Program Review
Mr. Cushing Phillips, Assistant Director for Facilities
Mr. Tom Roberson, Deputy Executive Director for Information Systems
Mr. Ed Rutledge, Assistant Director for Information Systems
Dr. Joseph T. Sutton, Executive Director

OTHERS

Dr. Wayne Echols, Assistant Director for Program Evaluation, Legislative Fiscal Office
Honorable Johnny Ford, Mayor, City of Tuskegee
Mr. Taylor Hardin, Chair, Council of Twenty-One
Mr. Ken Hare, Chief, Editorial Board, Advertiser-Journal
Dr. Paul Hubbert, Executive Secretary, Alabama Education Association
Mr. Frank M. Morris, Member, Council of Twenty-One
Mrs. Anne Laura R. Parker, Former member, ACHE / Member, Council of Twenty-One
Dr. Allan Perry, Surgeon
Mr. Lister Hill Proctor, Former Senator, Commission on Higher Education Consultant, Legislative Affairs
Mr. Charles Rowe, State Budget Officer
Will Hill Tankersley, Investment Banker, Sterne, Agee, and Leach, Inc.

OTHERS (CONTINUED)

Mr. John Tyson, Vice Chair, State Board of Education
Mr. John Woods, Chief Executive Officer-Amsouth; Member, Council of
Twenty-One; Chair, Governor's Education Reform Commission;
Teacher/Tenure Law Review Committee
Mrs. Mary George Waite, Member, Council of Twenty-One

MEMBERS OF ALABAMA COMMISSION ON HIGHER EDUCATION

Mrs. Katie D. Espy
Dr. Jimmy Faulkner
Mr. Clyde Foster
Dr. James Grady
Dr. Moses Jones
Mr. Ken Lott
Mrs. Jane McDonald
Mr. Steve Means
Mr. Frank A. Nix
Mr. Richard Pizitz
Mr. Phillip Sellers
Mr. Bob Word

APPENDIX D

ACT NO. 79-461

ALABAMA LAW
(Regular Session, 1979)

Act No. 79-461

H. 494-Pegues

AN ACT

This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-1 through 16-5-10, Code of Alabama, 1975, is hereby amended and reenacted to read as follows:

"AN ACT"

To establish the Alabama Commission on Higher Education for the general purpose of promoting an educational system that will provide the highest possible quality of collegiate and university education to all persons in the State able and willing to profit from it; to establish the Commission as the statewide long-range planning agency for postsecondary education; to provide through the Commission for continuous study, analyses, evaluation, planning, reporting and recommendations, as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive and coordinated system of higher education for the State; to provide the Commission with the authority of approval for new units or programs of instruction for academic credit for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state

agency for which the Commission qualifies and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions.

The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(a) Public Institutions of Higher Education shall mean those public educational institutions in Alabama which have been authorized by the Legislature or by the Constitution to provide formal education, including vocational, technical, collegiate, professional, or any other form of education, above the secondary school level.

(b) Commission: The Alabama Commission on Higher Education created by this ACT.

(c) Instructional Program: A series of courses at any one location which culminates in a degree, certificate, or other formal recognition of academic credit.

(d) Unit: A school, college, division, or institute and includes the establishment of any new branch or campus. The term does not include reasonable extension or alterations of existing curricula or programs which have a direct relationship to existing programs previously approved by the Commission; the Commission may, under its rule-making authority, define the character of such reasonable extension and alterations.

(e) Off-campus Offering: Any credit course, instructional unit or instructional program conducted off the main campus of any postsecondary institution in existence and separately accredited by the Southern Association of Colleges and Schools, at the time of the passage of this Act, or of any new campus previously or hereafter approved by the Commission.

Section 2. Membership.

The Commission shall consist of twelve members. Ten of these members shall be appointed by the Governor, one shall be appointed by the Lt. Governor, and one shall be appointed by the Speaker of the House of Representatives by and with the advice and consent of the Senate. One person shall be appointed from each United States Congressional District in Alabama and shall reside or maintain an office or place of business within the Congressional District from which he is appointed, and the remaining members shall be appointed from the State at large with no more than two in number of the total twelve members being from the same Congressional District.

The twelve members shall be citizens of the State and shall be selected, as far as may be practicable, on the basis of their interest in higher education. Appointees shall be selected without regard to political affiliation and appointment shall be of a nature as to aid the work of the Commission and to inspire the highest degree of cooperation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the State; the State Department of Education, or any County or other local Board of Education. No member of the Commission shall serve past June 30th following his 70th birthday. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the State. No member shall act as the representative of any particular region or of any particular institution of higher education. New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the State of Alabama.

The Commission shall serve in an advisory capacity to the Legislature and the Governor of this State in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education. The initial membership of the Commission and the term of each initial member is as follows:

Section 3. Tenure - Vacancies.

(A) Members of the Commission shall be selected for nine year terms expiring on August 31 of the respective year. The current nine members are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member, the Governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term. Of the three new appointees, one shall be appointed by the Governor for a term of three years, one shall be appointed by the Lt. Governor for a term of six years, and one by the Speaker of the House of Representatives for a term of nine years.

(B) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed. In the event that the number of Congressional Districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. If the number of Congressional Districts shall change, the membership will remain at twelve with the number of at-large memberships being adjusted, if necessary, so that each Congressional District is represented. If the Senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(C) Vacancies and new appointments on the Commission shall be filled by appointment of the ex officio officer responsible for the initial appointment. If the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(D) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

Section 4. Organization and Meetings.

The first meeting of the Commission shall be called by the Governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least six members, or upon call of the Governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the State. The Commission shall meet at least once every three months. A majority of the members of the Commission shall constitute a quorum at all its meetings but the approval of a new unit or program of instruction or a new public institution of higher education, or the recommendation for a new unit of research or public service as provided in Section 8, shall require the concurrence of a majority of all the members of the Commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least two weeks prior to the meeting. Any public institution of postsecondary education or the State Board of Education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Commission is authorized to appoint a highly qualified person as its Executive Officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation. The appointment of the Executive Officer shall be subject to confirmation by the Senate each four years beginning with

the Regular Session of 1981. Failure of the Senate to confirm the Executive Officer shall result in his or her dismissal within ninety (90) days thereafter.

The Executive Officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full or part-time basis as are necessary to assist the Commission and the Executive Officer in performing the duties assigned by this Act. The number of employees, their compensation, the other expenditures of the Commission shall be within the limits and in compliance with the appropriations made therefor by the Legislature and within budgets that shall be approved from time to time by the Commission.

All full-time employees of the Commission shall be eligible to participate in the state teacher's retirement system.

Section 5. Study, Analysis and Evaluation.

The Commission, in consultation with the agencies and institutions concerned with higher education in this State, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. The use of advisory groups and consultants, as deemed desirable, may be used to meet these needs in order to provide the highest possible quality of collegiate and university education to all persons in the State able and willing to participate. One such advisory committee shall be the Council of Presidents, consisting of the President of each public four-year institution of higher education, the State Superintendent of Education and the presidents of three public two-year institutions of higher education, to be selected by the Superintendent of Education.

Section 6. Planning.

The Commission shall be responsible for statewide long-range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them.

Section 7. State University and College Information System.

The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports

developed through the system shall conform to the procedures established by the Commission. The Commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The Commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government. The commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the State Board of Education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the Commission.

Section 8. Coordination of Units or Programs of Instruction, Research or Public Service.

The Commission on Higher Education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the State Universities and Colleges and to share with the appropriate governing board through the president of the institution, and state legislature, its recommendations.

The commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the Governor and the Legislature that would strengthen the total program of higher education in the state.

The governing boards of public institutions of higher education in this State and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the Commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the Commission. Any such plan submitted to the Commission, or its staff, however, and not receiving final action by the Commission within ten (10) months of submission shall be considered approved. The term "new unit of instruction" includes the establishment of a college, school, division or institute and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs; and the Commission may, under its rule-making power, define the character of such reasonable extensions and alterations.

The Commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of

universities or branch campuses of junior colleges in existence at the time of passage of this act whose Fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the Commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the House and Senate no later than the fifth legislative day of 1981 regular session of the Legislature. In making such recommendation, the Commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or non-concurrence on each recommendation of the Commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of such time it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. Such resolution by simple majority of both houses if required to affirm a Commission recommendation. No more than one branch shall be continued or terminated in one resolution.

Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this State from seeking and securing by separate Bill the approval of the Legislature for any new unit or program of instruction, research, or public service denied approval by the Commission, in which case the action of the Legislature, when approved by the Governor or otherwise upon becoming law, is final.

Colleges and universities conducting off-campus offerings on military reservations are exempt from the Commission's regulatory review and approval authority for those offerings on the military reservation.

Section 9. Budget Proposals and Recommendations.

The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety (90) days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

The Commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the Governor and the Legislature, a single unified budget report containing budget recommendations for separate appropriations to

each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, provided that nothing herein shall be construed to prohibit any institutions of higher education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

Section 10. Powers and Duties of the Commission.

The Commission shall exercise the following powers and duties in addition to those otherwise specified in this Act:

(a) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(b) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this State taking into consideration the orderly development and maintenance of the State system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, postsecondary education.

(d) To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; provided, that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

(e) To develop and publish criteria which may be used by the Legislature as a basis (i) for changing the classification of any public institution of higher education and (ii) for determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher education may be

submitted, either prior to introduction or by the standing committee considering same to the Commission for its opinion as to the need for the State therefor, and the Commission shall report its findings to the Governor and the Legislature.

(f) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the Commission shall give priority to institutions having seniority in years of operation in the service area. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

(g) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

(h) To make continuing studies, on its own initiative or upon the request of the Governor or the Legislature, of the financial needs of public higher education and issue such reports to the Governor and the Legislature as may result from its studies.

(i) To submit to the Governor and the Legislature on or before the first day in January of each year a written report covering the activities of the Commission and the state of higher education in Alabama. The report shall include

(i) statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

(ii) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission will be useful in planning a sound program of higher education; and

(iii) recommendations respecting postsecondary education in this State as may be appropriate.

(j) To make rules and regulations for its meetings, procedures, and execution of the powers and duties delegated to it by this Act.

(k) To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the State.

(l) To conduct a program of public information in order to inform citizens of the State of matters of importance to higher education in Alabama.

(m) To serve as the State agency for the administration of those Titles of the Higher Education Act of 1965 (Public Law 89-329) as amended for those programs requiring a single state agency for which the Commission qualifies, unless otherwise designated by Executive order.

(n) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the State of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the Commission. The Commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

(o) The powers and duties of the Commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution or by statutes.

Section 11. Southern Regional Education Compact.

The Commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, HJR 42, 1949, Act 40 HJR 21, 1955) and those functions in Sections 16-3-32 through 16-3-35, Code of Alabama, 1975 heretofore assigned to the State Board of Education with funds that may be appropriated to it by the Legislature for that purpose.

Section 12. Evaluating and Revising the Commission.

Two years after the establishment of the Commission and during the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this State to evaluate the effectiveness of the work of the Commission and to recommend changes as needed. A report prepared by the Committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of higher education of this State and the public.

Section 13. Governing Boards of Public Institutions of Higher Education - Powers and Duties.

Governing boards of the public institutions of higher education of this State shall retain all powers and duties heretofore given and conferred upon them by the Constitution or by any law expressed or implied, to govern, control and operate the institution for which they are responsible. The Commission shall work with and support the respective boards and except where otherwise authorized by this statute, shall act in a fact-finding and advisory capacity.

The State Board of Education and any successor board or boards which govern the state's public postsecondary institutions, including senior institutions, community colleges, junior colleges, and postsecondary technical institutes or colleges, shall stand in the same relationship to the Commission as do university boards of trustees. The State Superintendent of Education shall stand in the same relationship to the Commission as do the presidents of the universities.

Section 14. Acceptance of Gifts, etc.

The Commission is authorized to accept gifts, devises, grants, or bequests and expend the same to carry out the provisions of this Act or to promote the purposes for which it has been established.

Section 15. Severability.

The provisions of the Act are severable. If any section, paragraph, sentence, clause, provisions, or portion of this Act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision or other portion of this Act not in or of itself unconstitutional or invalid.

Section 16. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 30, 1979

Time: 12:15 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 31st day of July, 1979.

JOHN W. PEMBERTON
Clerk of the House

APPENDIX E

EDUCATION CODE, CHAPTER 3,

SECTIONS 16-3-32, 16-3-33, 16-3-34, AND 16-3-35

16-3-32. Providing instruction not available at state-supported institutions — Graduate and professional instruction.

The state board of education, under such rules and regulations as it shall determine, may provide for residents of Alabama graduate and professional instruction not available to them at state-supported educational institutions. The state board of education shall, by its rules and regulations, determine the qualifications of persons who may be aided under this section, and the decisions as to qualifications of persons by the state board of education shall be final. The state board of education may provide such graduate and professional instruction at any educational institution as it deems necessary, within or without state boundaries. The state board of education shall provide such graduate and professional instruction, within the limits of the appropriations available for this purpose, at a cost to students not exceeding the probable cost of such instruction to them if it were offered at a state-supported institution. The state board of education, in providing such instruction, may take into account travel, tuition and living expenses. (Acts 1945, No. 64, p. 61.)

Cited in Ex parte Banks, 254 Ala. 117, 48 So. 2d 35 (1950).

16-3-33. Same — College or university instruction.

The state board of education, under such rules and regulations as it shall determine, may provide assistance for residents of Alabama for instruction on the college or university level at private nondenominational institutions when such instruction is not available to such residents at public, state-supported educational institutions in Alabama. The state board of education shall, by its rules and regulations, determine the qualifications of persons who may be aided under the provisions of this section, and the decision as to the qualifications of persons by the state board of education shall be final. The state board of education may provide assistance for instruction on the college or university level at any private nondenominational institution as it deems necessary, within or without the state boundaries. The state board of education shall provide assistance for such college or university instruction within the limits of the appropriations available for this purpose at a cost per student not exceeding the probable cost of such instruction if it were available at a state-supported institution. The state board of education, in providing assistance in such instruction, may take into account differences in travel, tuition and living expenses. (Acts 1959, 2nd Ex. Sess., No. 127, p. 378.)

16-3-34. Authority of institutions of higher learning to make interstate educational agreements.

Any institution of higher learning which receives all or part of its support from the state of Alabama, subject to approval by the state board of education and under such rules and regulations as the state board of education shall determine, may contract with other state governments, agencies of other state governments or institutions of higher learning of other state governments to provide educational facilities at such Alabama institution of higher learning to residents of such other states.

Any institution of higher learning which receives all or part of its support from the state of Alabama, subject to approval by the state board of education and under such rules and regulations as the state board of education shall determine, may contract with other state governments, agencies of other state governments, institutions of higher learning of other state governments or private institutions of higher learning within or without state boundaries to provide educational facilities to residents of Alabama at an expense to such residents of Alabama not exceeding the probable cost to them if the facilities were provided at such Alabama institution of higher learning. (Acts 1945, No. 65, p. 62.)

16-3-35. Contracts with Tuskegee Institute and Meharry Medical College for education of Alabama students.

(a) The state board of education is hereby authorized to contract with the Tuskegee Institute for educational services for Alabama students including the following:

- (1) Veterinary medicine;
- (2) Engineering;
- (3) Vocational agriculture;
- (4) Vocational home economics;
- (5) Chemistry;
- (6) Nursing education; and
- (7) Such other educational services which in the opinion of the board of education are in great enough demand to justify a contract.

(b) The state board is authorized to allocate to Tuskegee Institute any appropriation or any part of any appropriation to the state board of education for Tuskegee Institute.

(c) The state board of education is hereby authorized to contract with Meharry Medical College or the board of control for southern regional education for medical and dental education of Alabama students in said college out of any appropriation that may be made available to the state board of education for regional education.

(d) It is the full intent of this section to appropriate tax money through the state board of education for the education of resident citizens of Alabama in each and every institution of higher learning to which or for which the state board of education may allocate any appropriations made to said board for regional education or for any specific institution. (Acts 1949, No. 489, p. 710.)

Collateral references. - 14 C.J.S., Civil Rights, 33,35.